

REMARKS

Claims 1-123 remain in connection with the present application. Claims 76-123 have been added by this Preliminary Amendment. Claims 1, 6, 11, 16, 21, 26, 31, 36, 41, 46, 51, 56, 61, 66, 71, 94, 99, 104, 109, 114 and 119 are independent. This Preliminary Amendment is being filed concurrent with the filing of an RCE.

Personal Interview

Initially, Applicant wishes to thank Examiners Dang Khanh and Justin King for the personal interview conducted on April 1, 2004. In the personal interview, Applicant's representatives discussed the distinctions between the Examiner's reference to Aoki (U.S. Patent No. 6,272,589) and Applicant's latency independent interface as claimed in claim 1 for example. Applicant's representatives explained the functions of both the data control signal, which controls the transfer of data between two hardware components, and the media gate signal, wherein data is transferred between a storage media and the second hardware component in accordance with the media gate signal.

In one exemplary embodiment presented in the interview, in conjunction with Fig. 2 of the application for example, Applicant's representatives explained one embodiment of the present invention wherein the first hardware component was indicated as HDC 22, and the second hardware component was indicated as R/W channel or RDC 24. In conjunction with this exemplary embodiment, the HDC 22 was discussed as including a latency dependent interface that transmitted the data gate signal and media gate signal; and the R/W channel or RDC 24 was discussed as including a second interface, which received the data gate signal and the media gate signal. It was explained that the data gate signal, in this exemplary embodiment of Fig. 2,

controlled data transfer between two hardware components such as the HDC and R/W channel or RDC. It was further explained that data is transferred between a storage media and the second hardware component such as the R/W channel or RDC, in accordance with the media gate signal.

Proposed language to claim 1 was discussed, clarifying the distinctions over Aoki by further clarifying the data gate signal and the media gate signal as claimed. The Examiners indicated that as the present application was under final rejection, **if such amendments were to be made, they would raise new issues** requiring further consideration and/or search. Thus, **the Examiners agreed that they would not issue a first action final rejection** in connection with the filing of a Preliminary Amendment and RCE. Further, the Examiners indicated such clarifying amendments would distinguish the claims from the Aoki patent, wherein a further search would thereafter be conducted.

Accordingly, it was agreed in the interview, that amendments clarifying the data gate signal and the media gate signal would be made to claim 1, with other amendments being made to various other ones of the independent claims to clarify the distinctions over the Aoki patent. It was further agreed that such amendments would be made by Preliminary Amendment upon the filing of an RCE in connection with the present application to expedite prosecution, **wherein the Examiners agreed not to issue a first action final rejection**. At that time, the interview was concluded.

Drawing Objection

Initially, Applicant notes that a drawing objection was issued in connection with the previous office action and that a Drawing Correction Approval Request was submitted by Applicant. Although the Examiner did not indicate approval of this Drawing Correction

Approval Request, the Examiner further did not maintain the drawing objection. Thus, it is presumed that the Drawing Correction Approval Request is acceptable, and upon allowance of the present application, new formal drawings will be filed in connection with the present application.

Prior Art Rejections

The Examiner, in the final Office Action, maintained his rejection of claims 1, 6, 11, 16, 21, 26, 31, 36, 41, 46, 51, 56, 61, 66 and 71 under 35 U.S.C. § 102(b) as being anticipated by Aoki. Although Applicant does not necessarily agree with this rejection, the amendment to claim 1 as discussed at the interview has been made to clarify the distinctions between claim 1 in the Aoki reference. Further, clarifying amendments have also been made to each of the various independent claims, to thereby clearly render them patentable over Aoki. Accordingly, withdrawal of the Examiner's rejection is respectfully requested.

In the Examiner's final rejection, the Examiner further maintains the rejection of claims 2-3, 7-8, 12-13, 17-18, 22-23, 27-28, 32-33, 37-38, 42-43, 47-48, 52-53, 57-58, 62-63, 67-68 and 72-73 as being rejected under 35 U.S.C. § 103 as being unpatentable over the alleged combination of either Aoki and Dunn et al. (U.S. Patent No. 5,274,772) or Aoki and the IEEE Standard 394 Serial Bus; and has further maintained the rejection of claims 4-5, 9-10, 14-15, 19-20, 24-25, 29-30, 34-35, 39-40, 44-45, 49-50, 54-55, 59-60, 64-65, 69-70 and 70-75 under 35 U.S.C. § 103 as being unpatentable over Aoki in view of Dunn.

While Applicant does not necessarily agree with any of these rejections, and while Applicant does not believe that there is any motivation for combining any of the secondary references with that of Aoki, Applicant respectfully submits that even assuming *arguendo* that

any of the secondary references could be combined with Aoki which Applicant does not admit, they would still fail to make up for at least the aforementioned deficiencies over Aoki. Accordingly, for at least the reasons previously presented regarding their corresponding independent claims, Applicant respectfully submits that each of these dependent claims are also allowable over Aoki in view of any of the secondary references applied by the Examiner. Accordingly, withdrawal of the rejections is respectfully requested.

NEW CLAIMS

New claims 76-123 have been added by this Preliminary Amendment. Claims 94, 99, 104, 109, 114 and 119 are new independent claims. The independent claims are allowable over the prior art for reasons somewhat similar to that previously presented, namely that they include at least a clarified data gate signal and the media gate signal. Further, each of the dependent claims are allowable for at least the reasons previously presented regarding their corresponding independent claims.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of all outstanding objections and rejections and allowance of each of claims 1-123 in connection with the present application is earnestly solicited.

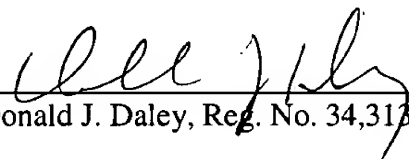
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

In necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

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